

## **EXHIBIT 13**

1           IN THE UNITED STATES DISTRICT COURT  
 2           FOR THE NORTHERN DISTRICT OF ILLINOIS  
 3           EASTERN DIVISION

4  
 5       DOROTHY FORTH, DONNA BAILEY,       )  
       LISA BULLARD, RICARDO GONZALES,    )  
 6       CYNTHIA RUSSO, TROY TERMINE,       )  
       INTERNATIONAL BROTHERHOOD OF       )  
 7       ELECTRICAL WORKERS LOCAL 38        )  
       HEALTH AND WELFARE FUND,            )  
 8       INTERNATIONAL UNION OF             )  
       OPERATING ENGINEERS LOCAL          )  
 9       295-295C WELFARE FUND, AND         )  
       STEAMFITTERS FUND LOCAL 439,        )  
 10      on Behalf of Themselves and All    )  
       Others similarly Situated,          )

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Case No.

vs.

1:17-cv-02246

17       WALGREEN CO.,

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17       The videotaped deposition of JOHN P. CATALANO,  
 18       taken before Maria S. Winn, CSR, RPR and CRR,  
 19       pursuant to the Federal Rules of Civil Procedure  
 20       for the United States District Courts pertaining  
 21       to the taking of depositions, at Reed Smith,  
 22       10 South Wacker Drive, Suite 4000, Chicago,  
 23       Illinois, commencing at 9:42 a.m. on May 9, 2019.

1           A       Yes.

2           Q       And did you meet in person with  
3       Mr. Alperstein to prepare for your deposition?

4           A       Yes.

5           Q       How many times did you meet in person  
6       with Mr. Alperstein to prepare for your  
7       deposition?

8           A       Oh, at least twice, I would say. Was it  
9       twice? Three times? Twice. Well --

10          Q       Unfortunately, you're not allowed --

11          A       Three times.

12          Q       You're not allowed to ask Mr. Alperstein  
13       questions.

14          A       Oh, okay.

15                 MR. ALPERSTEIN: Whatever your best of  
16       recollection is.

17          A       To the best of my recollection, we met  
18       three times.

19       BY MR. LEIB:

20          Q       Three times, specifically to prepare for  
21       your deposition?

22          A       Yes.

23          Q       And again, I'm going to ask -- I'm  
24       sorry. But I'm going to ask that you let me

1 BY MR. LEIB:

2 Q How does the Fund believe that its  
3 members have been damaged by Walgreens' actions?

4 A My members?

5 Q Yeah.

6 A Well, when you hurt the Welfare Fund,  
7 indirectly, you're going to hurt the members.

8 Q Does the Fund believe that it's been  
9 damaged by Walgreens?

10 A Absolutely.

11 Q And how is that?

12 A Well, because we're the bottom line.  
13 We're the payer.

14 Q So you believe the usual and customary  
15 price was overinflated; and, therefore, you were  
16 damaged?

17 MR. ALPERSTEIN: Objection, form.

18 A Yes.

19 BY MR. LEIB:

20 Q Do you understand that the Fund is  
21 seeking to bring this case as a class action?

22 A Yes, I do.

23 Q Do you know what a class action is?

24 A Yes, I do.

1 Q What is a class action?

2 A It's a group of complainants that are  
3 brought together for the same purpose.

4 Q Anything else?

5 A No.

6 Q Do you know what the Fund's role in the  
7 litigation is?

8 A Yeah. We are one of the victims.

9 Q Do you understand that you're a named  
10 plaintiff in this case?

11 A Say that one again.

12 Q A named plaintiff?

13 A Me personally?

14 Q The Fund.

15 A Oh, yes, of course.

16 Q Every time I'm saying "you" --

17 A Yeah, I just didn't follow you. I'm  
18 sorry.

19 Q It's easier than me saying "the Fund"  
20 every time.

21 A I understand.

22 Q Do you know what it means to be a named  
23 plaintiff?

24 A Yes. That you're pretty much responsible

1 for answering the questions and being directly  
2 involved in the case.

3 Q Do you know if the named plaintiff has  
4 any obligations to the people it's trying to have  
5 as class members in the case?

6 MR. ALPERSTEIN: Objection, form.

7 A Can you say that again?

8 BY MR. LEIB:

9 Q Sure.

10 You're asking that this case be brought  
11 as a class action, correct?

12 A Yes.

13 Q And that would mean that other people,  
14 who are not named plaintiffs, would be part of the  
15 class, correct?

16 A Yes.

17 MR. ALPERSTEIN: Objection, form.

18 BY MR. LEIB:

19 Q And when I say "people," I'm including  
20 entities as well.

21 Do you understand that?

22 A Yes.

23 Q And do you know if the Fund has any  
24 obligation to those people?

1       many years, we finally put in a new system. And  
2       now it's taking quite some time for them to  
3       actually create the system and then implement it  
4       and then train the girls on how it works.

5               And it's just been going on. We're at  
6       the tail end of it right now.

7               Q       When was that new system put in place?

8               A       We're at the tail end of it right now.  
9       It's just been going -- this is -- it's been going  
10      on for almost two, three years now.

11              Q       Do you know whether electronic documents  
12      were searched for this case?

13              A       Yes, I believe so.

14              Q       And do you know who searched the  
15      electronic files?

16              A       I believe my computer people were of  
17      assistance.

18              Q       Do you have an IT department?

19              A       I don't. I use a small company.

20              Q       And they worked with your attorneys to do  
21      that?

22              A       Yes, they did.

23              Q       Would this problem, or situation with the  
24      changeover into computer networks, affect the

1 ability to find files?

2 A No, I don't see -- not for the computer  
3 people. Maybe for my girls, but not for the  
4 computer people. They're the ones who created the  
5 system. And the other ones, they're very familiar  
6 with, you know, software.

7 Q Were you involved at all in the  
8 electronic search of files -- I'm sorry -- in the  
9 search of electronic files?

10 A No, I wasn't.

11 MR. ALBA: Again, him personally or the  
12 Fund?

13 MR. LEIB: Him personally on that one.

14 THE WITNESS: Oh.

15 MR. LEIB: No further questions.

16 MR. ALPERSTEIN: I just have a few  
17 questions for you.

18 EXAMINATION

19 BY MR. ALPERSTEIN:

20 Q So we were just talking about the search  
21 for electronic files that was done by, you said  
22 your computer people, an IT representative; is  
23 that correct?

24 A Yes.



1 Q Yeah.

2 A Okay. I got it.

3 Q All right. And this was filed  
4 October 17, 2017?

5 A This is filed... I don't know.

6 Q Is that your understanding?

7 A I have to look.

8 Q Look on the time stamp.

9 A Oh, yes, I'm sorry. Yeah. On the top,  
10 yes. 10/17/17.

11 Q And is it correct that this was filed  
12 approximately a month -- or at least in the month  
13 after the meeting took place with Mario Alba and  
14 the Fund, to discuss this litigation?

15 A About that.

16 Q And was Angelo Cordisco the main point  
17 person at the Fund that would discuss the case  
18 with his attorneys at Robbins Geller?

19 A At that time, yes.

20 Q And was it his practice to review  
21 documents relative to litigation by himself and  
22 with his attorney?

23 MR. LEIB: Objection.  
24

1 BY MR. ALPERSTEIN:

2 Q Was it his practice to review documents  
3 to be filed in this case with others, or was it  
4 his practice -- I'm just trying to understand what  
5 his normal practice was.

6 A What do you mean by "his practice"?

7 Q So he was the point person in reviewing  
8 documents that were to be filed in this case,  
9 correct?

10 A Oh, okay. You mean the documents that  
11 you asked for us to provide you? He was the point  
12 person?

13 Q I'm asking --

14 A I'm not sure I'm understanding.

15 Q So what I'm asking is: Who was the...

16 So is it correct that Angelo was the  
17 point person in communications with Robbins Geller  
18 as it pertains to this lawsuit?

19 A Yes.

20 Q And I would assume that would mean that  
21 he would be in receipt of documents from attorneys  
22 at Robbins Geller --

23 A Yeah.

24 Q -- this lawsuit?

1 MR. LEIB: Objection.

2 A Yes.

3 BY MR. ALPERSTEIN:

4 Q And documents provided by Robbins Geller,  
5 do you understand that it was his practice to  
6 review those documents by himself and with his  
7 attorney?

8 MR. LEIB: Objection.

9 A Yes.

10 BY MR. ALPERSTEIN:

11 Q Do you know who his attorney was at the  
12 time, in October of 2017, the Fund's attorney?

13 A We were going through a transitional  
14 period with that as well. We -- actually,  
15 presently and for the next two years, have two  
16 attorneys.

17 Q Well, what about at that time?

18 A They were both present, I believe, at  
19 that board of trustee meeting and afterwards.

20 Q Okay. So is it your understanding that  
21 Angelo would have reviewed the complaint, for  
22 example, with his attorney?

23 MR. LEIB: Objection.

24 A Yes.

1 BY MR. ALPERSTEIN:

2 Q Would the same go for any type of  
3 discovery responses that were provided in this  
4 case?

5 MR. LEIB: Objection.

6 A Yes. Angelo pretty much goes over  
7 everything with the attorney.

8 BY MR. ALPERSTEIN:

9 Q So I understand that you might not have  
10 been personally involved in reviewing discovery  
11 requests from Walgreens; is that correct?

12 A It's possible.

13 Q But it would have been Angelo's practice  
14 to review those discovery requests prior to  
15 providing them to Walgreens?

16 MR. LEIB: Objection.

17 A Yes.

18 BY MR. ALPERSTEIN:

19 Q And he would do that with his attorney?

20 A Yes.

21 MR. LEIB: Objection.

22 MR. ALPERSTEIN: All right. I have no  
23 further questions.  
24

1 FURTHER EXAMINATION

2 BY MR. LEIB:

3 Q Do you know for a fact whether  
4 Mr. Cordisco reviewed the complaint with his  
5 attorneys before it was filed?

6 A I do not know that for a fact.

7 Q Do you know for a fact that Mr. Cordisco  
8 read the interrogatory responses before signing  
9 the verification?

10 A That, I do know he read. I witnessed him  
11 read the documentations and sign it at the  
12 meeting. I know that he read them, yes.

13 Q The interrogatory responses?

14 A The one that we discussed before that had  
15 a signature on the back of it, yes.

16 Q Does the Fund have an e-mail document  
17 retention policy?

18 A No.

19 Q Do e-mails get destroyed or deleted on  
20 any kind of regular basis?

21 A Whose e-mails?

22 Q Anybody's e-mails. Is there an automatic  
23 deletion that happens?

24 A Automatically? No.

1 STATE OF ILLINOIS )

) SS:

2 COUNTY OF C O O K )

3  
4 The within and foregoing deposition of  
5 the aforementioned witness was taken before  
6 MARIA S. WINN, CSR, RPR and CRR, at the place,  
7 date and time aforementioned.

8 There were present during the taking of  
9 the deposition the previously named counsel.

10 The said witness was first duly sworn and  
11 was then examined upon oral interrogatories; the  
12 questions and answers were taken down in shorthand  
13 by the undersigned, acting as stenographer; and  
14 the within and foregoing is a true, accurate and  
15 complete record of all of the questions asked of  
16 and answers made by the aforementioned witness, at  
17 the time and place hereinabove referred to.

18 The signature of the witness was not  
19 waived, and the deposition was submitted,  
20 pursuant to Rule 30(e) and 32(d)4 of the Rules  
21 of Civil Procedure for the United States District  
22 Courts, to the deponent per copy of the attached  
23 letter.  
24

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The undersigned is not interested in the within case, nor of kin or counsel to any of the parties.

In witness whereof, I have hereunto set  
my hand and seal of office this day, May 22, 2019.

Maria S. Winn

CSR No. 084-003784 - Expiration Date: May 31, 2021